

## Environmental Protection Agency

## § 238.20

(1) New Jersey Statutory Requirements Applicable to the Freshwater Wetlands Program, 1994.

(2) New Jersey Regulatory Requirements Applicable to the Freshwater Wetlands Program, 1994.

(c) *Other laws.* The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

(1) Administrative Procedure Act, N.J.S.A. 52:14B-1 *et seq.*

(2) New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 *et seq.*

(3) Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*

(4) Examination and Copies of Public Records, N.J.S.A. 47:1A-1 *et seq.*

(5) Environmental Rights Act, N.J.S.A. 2A:35A-1 *et seq.*

(6) Department of Environmental Protection (and Energy), N.J.S.A. 13:1D-1 *et seq.*

(7) Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*

(d) *Memoranda of agreement.* The following memoranda of agreement, although not incorporated by reference also are part of the approved State-administered program:

(1) The Memorandum of Agreement between EPA Region II and the New Jersey Department of Environmental Protection and Energy, signed by the EPA Region II Acting Regional Administrator on June 15, 1993.

(2) The Memorandum of Agreement between the U.S. Army Corps of Engineers and the New Jersey Department of Environmental Protection and Energy, signed by the Division Engineer on March 4, 1993.

(3) The Memorandum of Agreement between EPA Region II, the New Jersey Department of Environmental Protection and Energy, and the U.S. Fish and Wildlife Service, signed by all parties on December 22, 1993.

(e) *Statement of legal authority.* The following documents, although not incorporated by reference, also are part of the approved State-administered program:

(1) Attorney General's Statement, signed by the Attorney General of New Jersey, as submitted with the request

for approval of The State of New Jersey's 404 Program.

(2) The program description and any other materials submitted as part of the original application or supplements thereto.

[59 FR 9933, Mar. 2, 1994, as amended at 65 FR 47325, Aug. 2, 2000]

## PART 238—DEGRADABLE PLASTIC RING CARRIERS

### Subpart A—General Provisions

Sec.

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AUTHORITY: 42 U.S.C. 6914b-1.

SOURCE: 59 FR 9870, Mar. 1, 1994, unless otherwise noted.

### Subpart A—General Provisions

#### § 238.10 Purpose and applicability.

The purpose of this part is to require that plastic ring carriers be made of degradable materials as described in §§ 238.20 and 238.30. The requirements of this part apply to all processors and importers of plastic ring carriers in the United States as defined in § 238.20.

#### § 238.20 Definitions.

For the purpose of this part:

*Percent elongation at break* means the percent increase in length of the plastic material caused by a tensile load. Percent elongation at break shall be calculated by dividing the extension at the moment of rupture of the specimen by the initial gage length of the specimen and multiplying by 100.

*Processor* means the persons or entities that produce ring carriers ready for use as beverage carriers.

*Ring carrier* means any plastic ring carrier device that contains at least one hole greater than 1¾ inches in diameter which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles.

**Subpart B—Requirement**

**§ 238.30 Requirement.**

(a) No processor or person shall manufacture or import, in bulk, ring carriers intended for use in the United States unless they are designed and manufactured so that the ring carriers degrade to the point of 5 percent elongation at break, when tested in accordance with ASTM D-3826-91, "Standard Practice for Determining Degradation End Point in Degradable Polyolefins Using a Tensile Test", after the ring carrier is exposed to, either:

(1) 250 light-hours of UV in accordance with ASTM D-5208-91, "Standard Practice for Operating Fluorescent Ultraviolet (UV) and Condensation Apparatus for Exposure of Photodegradable Plastics", using cycle A; or

(2) 35 days, during June and July, to marine conditions in a location below the latitude 26 degrees North, in continental United States waters.

(b) The incorporation by reference of ASTM D-3826-91, "Standard Practice for Determining Degradation End

Point in Degradable Polyolefins Using a Tensile Test", and ASTM D-5208-91, "Standard Practice for Operating Fluorescent Ultraviolet (UV) and Condensation Apparatus for Exposure of Photodegradable Plastics," was approved by the director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the American Society of Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at the Resource Conservation and Recovery Act (RCRA) Docket Information Center, (5305), U.S. Environmental Protection Agency Headquarters, 1200 Pennsylvania Ave., NW., Washington, DC 20460 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. These materials are incorporated as they exist on the date of the approval and notice of any change in these materials will be published in the FEDERAL REGISTER.

[59 FR 9870, Mar. 1, 1994, as amended at 65 FR 47325, Aug. 2, 2000]